

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-57-C - ORDER NO. 2005-282
MAY 25, 2005

IN RE: Joint Petition for Arbitration on Behalf of)	ORDER GRANTING
NewSouth Communications Corp., NuVox)	ADMISSION PRO HAC
Communications, Inc., KMC Telecom V.,)	VICE, HOLDING
Inc., KMC Telecom III, LLC and Xspedius)	MOTION IN
(Affiliates) of an Interconnection Agreement)	ABEYANCE, AND
with BellSouth Telecommunications, Inc.)	APPOINTING HEARING
pursuant to Section 252(b) of the)	OFFICER
Communications Act of 1933, As Amended.)	

Several matters are currently before the Public Service Commission of South Carolina (the Commission) in this docket. First are the Applications of John J. Heitmann, Esquire and Garrett R. Hargrave, Esquire, for admission to practice before the Commission *pro hac vice*. If the Application is granted, both attorneys would appear before the Commission as counsel in the hearing on Docket No. 2005-57-C, relating to the above-captioned telephone arbitration matter. The hearing on this matter is scheduled for Wednesday, June 1, 2005.

Both Heitman and Hargrave are attorneys who practice with the law firm of Kelley Drye & Warren LLP in Washington, DC, and are members in good standing of the District of Columbia Bar, according to the applications. Further, both are members of the bars of various Federal Courts. Local counsel of record associated with both attorneys is John J. Pringle, Jr. of Ellis, Lawhorne & Sims, P.A. Additionally, both attorneys have included an affirmation that they will comply with the applicable statutes, law and rules

of the State of South Carolina, that they are familiar with and will comply with the South Carolina Rules of Professional Conduct, and that they will submit to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

It appears to this Commission that the proper *pro hac vice* applications have been filed and that the necessary affirmations have been made. We believe that both attorneys meet the qualifications for admission to practice before the Commission at the hearing in Docket No. 2005-57-C *pro hac vice* and that they should be so admitted. We would note that these admissions are contingent on affirmation having been received prior to the hearing in this docket from the South Carolina Supreme Court that the necessary fees have been paid (SCACR 404).

We would also note that there is a Motion to Amend Arbitration Plan and Procedural Schedule before the Commission. This shall be held in abeyance at this time.

Further, we hereby appoint Joseph Melchers, Chief Counsel, as hearing officer in this Docket. Mr. Melchers meets the statutory qualifications for this position as stated in S.C. Code Ann. Section 58-3-40 (Supp. 2004).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. John J. Heitman and Garrett R. Hargrave are members in good standing of the District of Columbia Bar, and both have moved for *pro hac vice* admission to practice before the Commission at the hearing on Docket No. 2005-57-C, which is scheduled for Wednesday, June 1, 2005.

2. Proper application has been filed, and the necessary affirmation has been made as required by SCACR 404.

3. Both attorneys have associated South Carolina counsel.
4. The Applications for *pro hac vice* admission in this proceeding should be granted, contingent on receipt prior to the hearing in this matter of the documents from the South Carolina Supreme Court that show payment of the necessary fees.
5. The Motion to Amend Arbitration Plan and Procedural Schedule should be held in abeyance at this time.
6. Joseph Melchers should be appointed hearing officer in this Docket.

ORDER

The Applications of John J. Heitman, Esquire, and Garrett R. Hargrave, Esquire, for *pro hac vice* admission to practice before the Public Service Commission of South Carolina at the hearing for Docket No. 2005-57-C are granted, subject to receipt of affirmations from the Supreme Court that the required fees have been paid prior to the hearing. The Motion to Amend Arbitration Plan and Procedural Schedule is hereby held in abeyance at this time. Joseph Melchers is hereby appointed hearing officer for this Docket.

(SEAL)